

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN ROBERT DEMOS, JR.,

Plaintiff,

v.

DONALD HOLBROOK, et al.,

Defendants.

CASE NO. C15-5600 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 4), and Plaintiff John Demos’s (“Demos”) objections to the R&R (Dkt. 5).

On August 24, 2015, Demos filed an application for leave to proceed *in forma pauperis* and a proposed 42 U.S.C. § 1983 complaint. Dkts. 1, 1-1. On September 22, 2015, Judge Creature issued the R&R recommending that the Court deny Demos’s application and dismiss the proposed complaint in accordance with this Court’s standing bar orders. Dkt. 4. On October 1, 2015, Demos filed objections. Dkt. 5.

Federal Rule of Civil Procedure 72(b) governs objections to a magistrate judge’s recommended disposition. Rule 72(b) provides:

1 The district judge must determine de novo any part of the magistrate
2 judge's disposition that has been properly objected to. The district judge
3 may accept, reject, or modify the recommended disposition; receive further
4 evidence; or return the matter to the magistrate judge with instructions.

5 Fed. R. Civ. P. 72(b)(3).

6 Nothing in Demos's objections demonstrates that Judge Creatura's
7 recommendation is in error. Pursuant to this Court's standing bar order, Demos is limited
8 to three *in forma pauperis* applications and proposed actions per calendar year. *See In re*
9 *John Robert Demos*, MC91-269-CRD (W.D. Wash. Jan. 16, 1992). Demos has already
10 filed three *in forma pauperis* applications and proposed actions this year. Additionally,
11 Demos has failed to satisfy the "imminent danger" requirement for three-strikes litigants
12 under 28 U.S.C. § 1915(g). Therefore, the Court having considered the R&R, Demos's
13 objections, and the remaining record, does hereby find and order as follows:

- 14 (1) The R&R is **ADOPTED**;
- 15 (2) Demos's application to proceed *in forma pauperis* is **DENIED**; and
- 16 (3) Demos's proposed complaint is **DISMISSED**.

17 Dated this 28th day of October, 2015.

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19 BENJAMIN H. SETTLE
20 United States District Judge
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